FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7462 OF 2005

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. P.M. Arjunwadkar i/by Shishir Joshi for petitioners.

Mr.Shyam Mehta i/by Little & Co. for respondent.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. L.E. & C. Suit No. 572/598 of 1986 was partly decreed by the learned Judge of the Small Causes Court at Mumbai by judgment and order dated 22/4/2002. Being aggrieved by the said decree, defendants filed Appeal No. 174/02 before the Appellate Bench of the same Court. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 22/8/2005.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under

Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Stay granted by the appellate court will continue for two weeks from today. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)